

Defendants.

Civil Action  
No. C-06-499

On this day came on to be considered the Plaintiff's motion to lift the stay in the above-styled action (D.E. 15). The Court determines that Plaintiff's motion to lift the stay is hereby MOOT.

The Court STAYED this case on November 10, 2006 (D.E. 5). On December 5, 2006, the Plaintiff filed his motion to lift the stay, for the purpose of having this Court rule on Plaintiff's motion to remand. (D.E. 6, 7, 15). In his motion to remand, Plaintiff alleged that Defendant Rebecca Hammond, M.D., was a Texas citizen, and therefore this Court would not have diversity jurisdiction over this case. (D.E. 7). On December 8, 2006, Plaintiff filed a "Notice of Non-Opposition to Stay and Plaintiff's Withdrawal of Motion to Remand." (D.E. 18). In his Notice of Non-Opposition to the Stay, Plaintiff stated that he determined that Rebecca Hammond, M.D., resides in the state of Kentucky, and resided in the state of Kentucky at the time of the filing of the above-styled action.

(D.E. 18, ¶ 1). Accordingly, Plaintiff gave notice of "non-opposition to the stay" and "withdr[ew] Plaintiff's Motion to Remand (in that diversity jurisdiction does exist in this case)." (Id. at ¶¶ 2-3).

In light of the foregoing, the Court orders that Plaintiff's motion to lift the stay (D.E. 15) is hereby MOOT, and this case remains STAYED as per this Court's November 10, 2006 Order (D.E. 5).

SIGNED and ENTERED this 27th day of December, 2006.

A handwritten signature in black ink, reading "Janis Graham Jack", is positioned above a horizontal line. The signature is written in a cursive, flowing style.

Janis Graham Jack  
United States District Judge